

ASSEMBLY BILL

No. 1332

Introduced by Assembly Member Donnelly

February 18, 2011

An act to amend Section 11564 of the Government Code, and to amend Sections 38505 and 39053 of, and to repeal and add Chapter 2 (commencing with Section 39510) of Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as introduced, Donnelly. State Air Resources Board: abolishment.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution, including greenhouse gas emissions. Existing law creates the state board within the California Environmental Protection Agency with prescribed membership.

This bill would abolish the State Air Resources Board and transfer its authority, duties, powers, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11564 of the Government Code is
- 2 amended to read:
- 3 11564. (a) Effective January 1, 1988, an annual salary of
- 4 twenty-five thousand one hundred eighteen dollars (\$25,118) shall

1 be paid to each member of the ~~State Air Resources Board and the~~
2 Central Valley Flood Protection Board, if each member devotes a
3 minimum of 60 hours per month to state board work. The salary
4 shall be reduced proportionately if less than 60 hours per month
5 is devoted to state board work.

6 (b) The annual compensation provided by this section shall be
7 increased in any fiscal year in which a general salary increase is
8 provided for state employees. The amount of the increase provided
9 by this section shall be comparable to, but shall not exceed, the
10 percentage of the general salary increases provided for state
11 employees during that fiscal year.

12 (c) Notwithstanding subdivision (b), any salary increase is
13 subject to Section 11565.5.

14 SEC. 2. Section 38505 of the Health and Safety Code is
15 amended to read:

16 38505. For the purposes of this division, the following terms
17 have the following meanings:

18 (a) "Allowance" means an authorization to emit, during a
19 specified year, up to one ton of carbon dioxide equivalent.

20 (b) "Alternative compliance mechanism" means an action
21 undertaken by a greenhouse gas emission source that achieves the
22 equivalent reduction of greenhouse gas emissions over the same
23 time period as a direct emission reduction, and that is approved
24 by the state board. "Alternative compliance mechanism" includes,
25 but is not limited to, a flexible compliance schedule, alternative
26 control technology, a process change, or a product substitution.

27 (c) "Carbon dioxide equivalent" means the amount of carbon
28 dioxide by weight that would produce the same global warming
29 impact as a given weight of another greenhouse gas, based on the
30 best available science, including from the Intergovernmental Panel
31 on Climate Change.

32 (d) "Cost-effective" or "cost-effectiveness" means the cost per
33 unit of reduced emissions of greenhouse gases adjusted for its
34 global warming potential.

35 (e) "Direct emission reduction" means a greenhouse gas
36 emission reduction action made by a greenhouse gas emission
37 source at that source.

38 (f) "Emissions reduction measure" means programs, measures,
39 standards, and alternative compliance mechanisms authorized

1 pursuant to this division, applicable to sources or categories of
2 sources, that are designed to reduce emissions of greenhouse gases.

3 (g) “Greenhouse gas” or “greenhouse gases” includes all of the
4 following gases:

5 (1) Carbon dioxide.

6 (2) Methane.

7 (3) Nitrous oxide.

8 (4) Hydrofluorocarbons.

9 (5) Perfluorocarbons.

10 (6) Sulfur hexafluoride.

11 (7) Nitrogen trifluoride.

12 (h) “Greenhouse gas emissions limit” means an authorization,
13 during a specified year, to emit up to a level of greenhouse gases
14 specified by the state board, expressed in tons of carbon dioxide
15 equivalents.

16 (i) “Greenhouse gas emission source” or “source” means any
17 source, or category of sources, of greenhouse gas emissions whose
18 emissions are at a level of significance, as determined by the state
19 board, that its participation in the program established under this
20 division will enable the state board to effectively reduce greenhouse
21 gas emissions and monitor compliance with the statewide
22 greenhouse gas emissions limit.

23 (j) “Leakage” means a reduction in emissions of greenhouse
24 gases within the state that is offset by an increase in emissions of
25 greenhouse gases outside the state.

26 (k) “Market-based compliance mechanism” means either of the
27 following:

28 (1) A system of market-based declining annual aggregate
29 emissions limitations for sources or categories of sources that emit
30 greenhouse gases.

31 (2) Greenhouse gas emissions exchanges, banking, credits, and
32 other transactions, governed by rules and protocols established by
33 the state board, that result in the same greenhouse gas emission
34 reduction, over the same time period, as direct compliance with a
35 greenhouse gas emission limit or emission reduction measure
36 adopted by the state board pursuant to this division.

37 (l) “State board” means the ~~State Air Resources Board~~
38 *California Environmental Protection Agency*.

39 (m) “Statewide greenhouse gas emissions” means the total
40 annual emissions of greenhouse gases in the state, including all

1 emissions of greenhouse gases from the generation of electricity
2 delivered to and consumed in California, accounting for
3 transmission and distribution line losses, whether the electricity
4 is generated in state or imported. Statewide emissions shall be
5 expressed in tons of carbon dioxide equivalents.

6 (n) “Statewide greenhouse gas emissions limit” or “statewide
7 emissions limit” means the maximum allowable level of statewide
8 greenhouse gas emissions in 2020, as determined by the state board
9 pursuant to Part 3 (commencing with Section 38550).

10 SEC. 3. Section 39053 of the Health and Safety Code is
11 amended to read:

12 39053. “State Board” means the ~~State Air Resources Board~~
13 *California Environmental Protection Agency*.

14 SEC. 4. Chapter 2 (commencing with Section 39510) of Part
15 2 of Division 26 of the Health and Safety Code is repealed.

16 SEC. 5. Chapter 2 (commencing with Section 39510) is added
17 to Part 2 of Division 26 of the Health and Safety Code, to read:

18
19 CHAPTER 2. TRANSFER OF DUTIES OF STATE AIR RESOURCES
20 BOARD

21
22 39510. The California Environmental Protection Agency
23 succeeds to, and is vested with, all of the authority, duties, powers,
24 purposes, responsibilities, and jurisdiction of the former State Air
25 Resources Board.